

REMARKS

The foregoing amendments and the remarks that follow are intended to impart precision to the claims, and more particularly point out the invention, rather than to avoid prior art.

In this response, claims 59 and 60 have been amended in an attempt to expedite prosecution and earlier allowance. No further claims have been canceled, and no new claims have been added. Thus, claims 22, 23, 29-35, 56, 57, and 59-61 remain pending. The Office Action issued by the Examiner has been carefully considered by Applicant.

REJECTIONS UNDER 35 U.S.C. § 103

The Examiner has rejected claims 22-23, 29-35 and 54-61 over Johnson et al. (U.S. Patent No. 5,712,989) (hereinafter “Johnson”).

Store Builder Web Site

Applicant’s claim 60 as amended recites a “store builder web site suitably adapted to, in response to a request from a store owner during access to the web site, create an electronic store.” An example of a few non-limiting, exemplary aspects of a store builder web site are illustrated in Figs. 6-10 of Applicant’s originally-filed specification. For example, Fig. 9 illustrates that a store owner is accessing a web site that is used to build an electronic store.

Claim 60 as amended further recites that when the store owner is accessing the store builder web site, creation of the store comprises “receiving one or more selections from the store owner for customization of the appearance of the store” and “receiving a store name from the store owner.” Applicant’s Fig. 8 is an example of customization of appearance of an electronic store (e.g., selection of design, color, and font). Applicant’s Fig. 9 is an example of receiving a store name from a store owner when building the store on the web site.

A store owner typically desires to customize a store in order to prepare for future sales to online customers (i.e., consumers). Claim 60 has been further amended to recite “the electronic store [is] configured to support electronic order taking and transactional processing for a plurality of sales transactions directly between respective ones of the plurality of consumers and the store owner.” The store owner creates an electronic store that will include one or more web pages to present products for sale in online transactions to occur directly between the customer and the store owner.

Claim 60 further recites that the store owner during access to the store builder web site provides a “new URL for access to the store” by the future customers. This is consistent with the store owner desiring to enter into a direct sales transaction with a customer.

Direct Sales Transaction with Customer

The Examiner cites only Johnson as a reference. Johnson is directed to a computerized inventory management system to handle purchase orders from a customer to a Distributor 30 (2:61-67). Indeed, throughout Johnson’s extensive discussion, Johnson describes that host computer 10 is always used solely for purchases by customer 40 from Distributor 30.

The Examiner argues that vendor 37 of Johnson teaches a store owner. However, Johnson never describes that customer 40 obtains any products from vendor 37 other than through a purchase transaction with Distributor 30. Thus, vendor 37 would never have any reason to build a store for a direct sales transaction with customer 40. Instead, Johnson teaches away from vendor 37 building a store as Johnson clearly teaches that Distributor 30 enters a direct sales transaction with customer 40.

Applicant’s independent claim 60 has been amended to recite a sales transaction directly between the store owner and the consumer, as discussed above. As Johnson does not teach or suggest that vendor 37 directly transacts with customer 40, Applicant respectfully requests that this rejection of claim 60 now be withdrawn.

Johnson's Figs. 2B and 3 Only Describe Customer's Actions

In support of a prima facie case, the Examiner cites Johnson's Figs. 2B and 3. Specifically, the Examiner cites these figures as teaching a request by a store owner to create a store for the store owner. However, Figs. 2B and 3 of Johnson are discussed solely with respect to actions taken by customer 40 (CSR) in making purchase requests to Distributor 30. Any actions taken by customer 40, respectfully, cannot be considered to be actions of a store owner. So, Figs. 2B and 3 cannot respectfully be considered as any support of a request by a store owner to create a store.

The Examiner makes the argument that the vendor information in Table V is originally created by vendor 37. If, for the sake of argument, this is accepted, Johnson still does not describe any electronic access to a web site in which vendor 37 proceeds to build any type of store. Johnson describes no action whatsoever that could be considered electronic interaction on a store builder web site by vendor 37 to provide information to customize a store for sales to future customers such as customer 40. In contrast, Applicant's claim 60 recites that a store owner customizes a store, provides a store name, selects from a plurality of store types (for different store themes), identifies products for sale, and provides a URL. Applicant respectfully submits that Johnson does not teach or suggest any of this.

The Examiner argues that a store must be created in order for vendor 37 to supply its items for sale via Distributor 30. Yet, the only computer system that Johnson describes is for sales between Distributor 30 and customer 40. Vendor 37 only supplies items to Distributor 30, and thus has no reason to build its own new, customized electronic store. Vendor 37 only looks to supply its products to Distributor 30 for sale to customer 40. A person of ordinary skill would not understand anything more from reading Johnson.

Accordingly, Applicant respectfully requests that this rejection of claim 60 be withdrawn for this additional reason.

Plurality of Store Types

The Examiner cites Johnson as teaching vendor 37 offering a type of product based on store specialty or store type (col. 31, lines 60-65). As amended, Applicant's claim 60 recites "presenting to the store owner a plurality of store types for selection in building the store, each of the plurality of store types associated with a different product theme."

First, at this cited location, Johnson only describes the use of a cross-reference table by the customer 40 in cross-referencing vendor part numbers. Specifically, Johnson here states:

As described above, the preferred embodiment of the present invention may identify items to be requisitioned using several different part numbering systems. In addition to the Distributor's own catalog numbers, the vendors from which the Distributor will stock or order items may also have their own vendor part numbers. Moreover, the Customer may employ its own catalog of part numbers using a numbering system unique to that Customer.

An action by customer 40 to select a part numbering system for use does not teach or suggest presenting store types to a store owner. Customer 40 is not a store owner, and part numbering systems are not store types associated with a product theme. A part numbering system merely identifies specific, numbered products.

Second, Johnson nowhere else describes any store types presented for selection by a store owner when building a store, in which each store type is associated with a different product theme. Johnson simply does not contemplate this at all as Johnson does not create new stores. Instead, Johnson handles purchase orders for an existing customer 40.

Certainly, Johnson cannot be considered to teach or suggest the presenting of different electronic store types to vendor 37. Johnson's Fig. 1 does not even show an arrow between vendor 37 and Distributor 30 as it does between host 10 and customer 40. A person of ordinary skill would not understand Johnson to describe or enable any computer system between vendor

37 and Distributor 30 or host 10 that would permit building an electronic store as recited in Applicant's claim 60.

Accordingly, Applicant respectfully submits that claim 60 is allowable for this additional reason.

Creating a Second Store with a Different URL

Applicant's independent claim 59 recites "create a second store managed by the host for the second store owner, each of the first and second stores to be customized by the respective first and second store owners to offer products for sale by e-commerce." Johnson does not discuss any creation of stores customized for each of the vendors 37 and 38. Johnson does not discuss how any alleged implied request by either of vendor 37 or 38 might be related to any customization of a new store for sales by that vendor. Johnson respectfully does not teach or suggest anything in this regard.

Further, claim 59 has been amended to recite "a first store with a first URL to provide the consumer with electronic access to the first store" and a "second store having a second URL to provide the consumer with electronic access to the second store." The Examiner argues that vendors 37 and 38 are store owners. However, Johnson describes that customer 40 only uses host computer 10 to access products supplied from vendors 37 or 38.

Johnson does not teach or suggest that customer 40 accesses any different computer system or any form of "store" for each of vendors 37 and 38. Nothing in Johnson suggests that customer 40 goes to first and second URLs to access customized stores that are different at each URL. Instead, Johnson teaches that customer 40 is to transact with Distributor 30 for its product needs supplied from vendors 37 and 38.

For at least the above reasons, Applicant respectfully submits that claim 59 is allowable.

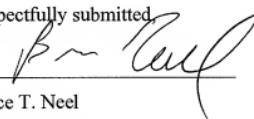
CONCLUSION

Applicant incorporates by reference its arguments in its prior response, which are still believed applicable as to the allowability of the other claims not discussed above. Applicant discusses a so-called "Distributor 30" above for simplification of the response to the Examiner's arguments. However, Applicant respectfully reserves its argument that the Distributor and host are taught as being the same entity, and that Johnson does not suggest otherwise (Johnson only describes a warehouse 30).

In view of the above, Applicant respectfully requests reconsideration of this application and the allowance of all pending claims. It is respectfully submitted that the Examiner's rejections have been successfully traversed and that the application is now in order for allowance. Applicant believes that the Examiner's other arguments not discussed above are moot in light of the above arguments, but reserves the right to later address these arguments. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

The Commissioner is authorized to charge any additional fees associated with this filing, or credit any overpayment, to Deposit Account No. 50-2638. If an extension of time is required, this should be considered a petition therefor.

Respectfully submitted,



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